



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**WAGGONER CARR  
ATTORNEY GENERAL**

April 11, 1966

Honorable Timothy D. Eyssen Opinion No. C-650  
County Attorney  
Wichita Falls, Texas

Re: Whether the exemption of  
farm machinery in Para-  
graph H of Sec. 140 of  
Article 670ld applies to  
a farm pickup or truck  
and related questions.

Dear Sir:

In your opinion request you state:

"Our office has met with a problem concerning the enforcement of our motor vehicle inspection law, and we respectfully request your opinion concerning three aspects of the above cited provision:

"1. Does the exemption of farm machinery as stated in Paragraph H apply to a farm pickup or truck which has been licensed as a farm truck?

"2. Would a Jeep which had been licensed as a 'farm truck', and which was primarily used on the farm, be exempt from the motor vehicle inspection?

"3. Would the determination of what machinery is 'farm machinery' be a fact determination for a jury or a question of law for the judge?"

Article 670ld, Section 140(a), Vernon's Civil Statutes, provides:

"It shall be the duty of the Texas Department of Public Safety to require every owner of a motor vehicle, trailer, semitrailer, pole trailer or mobile home, registered in this State, to have the brakes, lighting equipment, horns and warning devices, mirrors, and windshield wipers upon such vehicles inspected at State-appointed inspection stations or by State Inspectors as hereinafter provided, that

provisions relating to the inspection of trailers and semitrailers shall not apply when the gross weight of such trailers and semitrailers and the load carried thereon is four thousand (4,000) pounds or less. Only the brakes, lighting equipment, horns and warning devices, mirrors, and windshield wipers may be inspected and the owner shall not be required to have any other equipment or part of his motor vehicle inspected as a prerequisite for the issuance of said inspection certificate.

"(h) The provisions of this Act shall not apply to the vehicles referred to in paragraph (a) of this Section when moving under or bearing current 'Factory Delivery License Plates.' Nor shall the provisions of this Act apply to farm machinery, farm trailers, farm tractors, and motor vehicles of factory model 1935 or earlier, provided such motor vehicle is not driven on a federal or state highway, . . ." (Emphasis added.)

For the vehicles stated in your letter to be exempt from the provisions of Article 670ld, Section 140(a), Vernon's Civil Statutes, it would be necessary for them to fall within the exemptions provided in 670ld, Section 140(h), Vernon's Civil Statutes. Farm machinery would be the only place in this provision where these vehicles might be categorized so as to fall within this exemption.

No definition is given in Article 670ld, Vernon's Civil Statutes of the term farm machinery. Since your question deals with vehicles registered as farm trucks, we may get some help from Article 6675a-1, Vernon's Civil Statutes, which defines certain terms used in that section pertaining to the registration of vehicles. Section (r) thereof defines "implements of husbandry" as follows:

"(r) 'Implements of husbandry' shall mean farm implements, machinery and tools as used in tilling the soil, but shall not include any passenger car or truck." (Emphasis added.)

In this definition passenger cars and trucks are specifically excluded from the term farm machinery. While it is true that

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the definitions of one act do not necessarily conform with the definitions of another act, the similarity of definitions in Article 6675a-1 and Article 670ld can be seen by comparing the term "farm tractor" as defined in 6675a-1(e) which provides:

"(e) 'Farm-tractor' means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry."

with the definitions of "farm tractor" in 670ld, Section 3(b), which provides:

"(b) Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry."

Article 6675a-2, Vernon's Civil Statutes, provides in part:

"Every owner of a motor vehicle,...used or to be used upon the public highways of this state shall apply each year to the State Highway Department through the County Tax Collector. . . for the registration of each such vehicle. . . ."

Trucks and jeeps are motor vehicles.

Article 6675a-6a, Vernon's Civil Statutes, provides for the registration of commercial motor vehicles, used principally for farm purposes, and for a registration fee of 50% of the regular fee.

It is, therefore, the opinion of this office that the exemption of farm machinery from the motor vehicles safety inspection does not include a farm pickup or truck which the law requires to be registered as a farm truck.

It is also the opinion of this office that a jeep which the law requires to be registered as a farm truck and which is primarily used upon a farm, would not be exempt from the motor vehicle inspection requirement.

Finally, you are advised that a passenger car, Jeep, or a truck, which is required by law to be registered and is registered as a farm truck must, as a matter of law, be

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safety inspected and does not fall within the term farm machinery as that term is used in Article 670ld, Section 140(h), Vernon's Civil Statutes.

Of course, a pickup, truck, or jeep which is used upon a farm exclusively and which is not used upon the public highways of this State would not be required to be registered and would not, therefore, be required to be safety inspected.

SUMMARY

The exemption of farm machinery from the motor vehicle inspection requirement as stated in 670ld, Section 140(h), Vernon's Civil Statutes, does not, as a matter of law, include a farm pickup or truck or jeep which has been registered as a farm truck and which will primarily be used on the farm.

Yours very truly,

WAGGONER CARR  
Attorney General of Texas

By: Robert E. Owen  
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Assistant Attorney General

REO/er/br

APPROVED:

OPINION COMMITTEE

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Howard M. Fender  
Gordan Cass  
Wade Anderson

APPROVED FOR THE ATTORNEY GENERAL  
By: T. B. Wright